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#### PRESIDENT ROCK:

The hour of 11:30 having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Our prayer this morning by Pastor Michael Koschmann from Riverton Immanuel Lutheran Church, Riverton, Illinois.

#### PASTOR MICHAEL KOSCHMANN:

(Prayer given by Pastor Michael Koschmann)

#### PRESIDENT ROCK:

Reading of the Journal, Madam Secretary.

#### SECRETARY HAWKER:

Senate Journals of Wednesday, January 10, and Thursday, January 11, 1990.

#### PRESIDENT ROCK:

Senator Smith.

#### SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Wednesday, January 10th, 1990; Thursday, January 11th, 1990. Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

#### PRESIDENT ROCK:

You've heard the motion as placed by Senator Smith. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Senator Smith. Thank you. Messages from the House. SECRETARY HAWKER:

#### A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following Joint Resolution, in the adoption of which I'm instructed to ask the Concurrence of the Senate, to wit:

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House Joint Resolution 93. (machine cutoff) House Joint Resolution 93.

(Secretary reads HJR 93)

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Joint Resolution 93 is the resolution that calls for us to convene, I guess, at twelve o'clock to hear the Governor's message. I would move to suspend the rules for immediate consideration and adoption of House Joint Resolution 93. PRESIDENT ROCK:

All right. Senator Demuzio has moved to suspend the rules for the immediate consideration and adoption of House Joint Resolution 93. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption of House Joint Resolution 93, which calls for us to convene in Joint Session in about ten minutes, across in the House Chamber. All in favor, indicate by saying Aye. All opposed. The Ayes have it. motion carries. The resolution is adopted. (machine cutoff) A11 Ladies and Gentlemen, if I can have your attention. In a very few minutes we will be going across to the House for the purpose of the Governor's final Budget Address to the General Assembly and the people. The Committee on Escort will consist of Senators Netsch, Carroll, Senator Hall, Senator Davidson and Senator Fawell. So the Committee on Escort - Netsch, Carroll, Hall, Davidson, Fawell - we'd ask you to meet at the front door of the House for the purpose of escorting His Excellency into the Chamber. Senator Geo-Karis, for what purpose do you arise? SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, there will

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be a Republican Caucus in Senator Pate Philip's office immediately after the Governor's Message. Please be there.

#### PRESIDENT ROCK:

All right. Republican Caucus immediately after the Message in Senator Philip's office. Senator Vadalabene. Vadalabene.

#### SENATOR VADALABENE:

Hello. Yeah, thank you, Mr. President. There'll be a Democratic Caucus in Room 212 immediately after the Governor's Budget Message.

#### PRESIDENT ROCK:

All right. Democratic Caucus immediately after the Message in Room 212. After fourteen years, the Governor has given me his personal assurance that the Message is no longer than twenty minutes today. So we're going to hold him to that. At the end of twenty minutes I want all the Senators to walk out. Senator Keats, for what purpose do you arise?

#### SENATOR KEATS:

Thank you, Mr. President. At the convenience of the President, we have an agreement on, as you may remember, House Bill 2045, that had dealt with dealers and General Motors and their relationship. There was a Veto Override filed. There has been an agreement reached, and I would like to read in the statement. Is now or later a more appropriate time for you?

I think later is more appropriate.

#### SENATOR KEATS:

Okay. Thanks.

#### PRESIDENT ROCK:

We have, Ladies and Gentlemen, if I can have your attention and direct your attention to the President's Gallery, we have a couple of special guests, Mr. Phil Gonet from the Governor's Office and Garrett Deakin from Southern Illinois University, in

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the company of two gentlemen, a Mr. Homa and a Mr. Ishikawa. They are the Deputy Director General of the Department of General Affairs for the Japanese Government and the Deputy Consul General, the Chicago Japanese Consulate. They are in Illinois to plan first meeting of the Illinois Nigata Council on Education and Economic Development, which is scheduled for April 12th, 1990, in Nigata City, Japan. And I would ask that we recognize and welcome our guests. Welcome to Illinois. Please stand and be recognized. All right. Ladies and Gentlemen, I hope everybody has heard the sequence of events. We have four or five matters of substance that the Senate will deal with later this afternoon, but immediately after the Governor's Message, the Democrats are to convene in Room 212 for the purpose of a caucus, the Republicans will convene in Senator Philip's office for the purpose of a And then we will all reconvene on the Floor and handle caucus. our business, I hope, with some dispatch. In the meantime, Senator -- we -- Berman will move that the Senate stand in recess until the hour of approximately quarter to two - one-thirty or quarter to two - for the purpose of attending the House Chamber's Governor's Budget Message. And I would ask the Members to please gather at the front door for that purpose. And remind Netsch, Carroll, Hall, Davidson and Fawell that they have the awesome responsibility of escorting His Eminence.

(SENATE STANDS IN RECESS FOR GOVERNOR'S MESSAGE)

(AFTER RECESS)

#### PRESIDENT ROCK:

All right. The Senate will please come to order. Senator Rea, for what purpose do you arise, sir? Senator Rea.

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#### SENATOR REA:

Point -- yes, point of personal privilege, please.

#### PRESIDENT ROCK:

State your point, sir.

#### SENATOR REA:

I'd like to introduce the Marion High School Show Choir from Marion, Illinois, up here in the gallery. And we'd like for you to stand, and all of us welcome them to the Capitol today.

#### PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. Senator Topinka.

#### SENATOR TOPINKA:

Yes, point of personal privilege, Mr. President.

#### PRESIDENT ROCK:

State your point, please.

#### SENATOR TOPINKA:

Yesterday, apparently, in the House, there was some taken on House Bill 2045 that's not going to come over here, but it does resolve a question on which we've all been getting mail. I've been asked to read something into the record so that we all know what went on in the House, and where we fall on And it reads: "General Motors Corporation is placing a moratorium on the Delco-Tech Program for at least eighteen months, where a letter of intent or the like is in place, until there is further review of the effects of the current Delco-Tech's service centers on dealership operations and customer satisfaction. Based on considerable dealer concern voiced through dealer councils, General Motors Corporation is stopping the rollout of the program until there is agreement between General Motors and all of its including General Motors dealerships, customers, enhances customer satisfaction and helps owners, dealers, General Motors." The agreement process would be through the

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General Motors Dealers Policy Committee, which would include NADA, that's N-A-D-A, line group dealers, and division dealer council presidents. And that comes to us from GM. And apparently reflects House action yesterday.

#### PRESIDENT ROCK:

All right. Ladies and Gentlemen, if I can have your attention, the Chair will yield to Senator William Marovitz. We have some special guests that I would ask Senator Marovitz to introduce to us.

#### SENATOR MAROVITZ:

Thank you very much, Mr. President, for giving us the time. want to introduce to the Illinois State Senate two young people who I met recently in Israel, and who are Ambassadors from State of Israel to the United States - Goodwill Ambassadors. Every year the State of Israel selects a few teenagers for a youth delegation sent by the Israeli Ministry of Foreign Affairs and the Ministry of Education. This visit will introduce Israel American high school students, and acquaint Americans with the life of young people in Israel. I think if you will listen to these young people and hear some of the experiences that they've had, you will be enriched and have a little better idea about -about life in Israel today, and how they compare that with high school teenagers that they've met in the United States. I'm proud to introduce two wonderful young people, Alina Trachtenblit and Ohad Flinker from the State of Israel, to the Illinois State Senate.

#### ALINA TRACHTENBLIT:

(Remarks by Alina Trachtenblit)

#### OHAD FLINKER:

(Remarks by Ohad Flinker)

#### SENATOR MAROVITZ:

Thank you very much, and we're certainly glad you're here.

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And I hope that you enjoy your stay in the United States. PRESIDENT ROCK:

Messages from the House.

#### SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached to a bill of the following title, in the adoption of which I'm instructed to ask the concurrence of the Senate, to wit:

House Bill 1487.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of this letter to the House of Representatives. Adopted by the House, March 6, 1990. John F. O'Brien, Clerk of the House.

A message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I'm instructed to ask the concurrence of the Senate, to wit:

House Bill 2402. Passed the House March 7th, 1990. PRESIDENT ROCK:

Rules Committee.

#### SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following Joint Resolution, in the adoption of which I'm instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 85.

I've got a like message on House Joint Resolution 86, 88, 89, 90, 91, 92, 94, and 95. They're all congratulatory.

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#### PRESIDENT ROCK:

Consent Calendar. Resolutions.

#### SECRETARY HAWKER:

Senate Resolution 758 offered by Senator Alexander.

Senate Resolutions 759 and 760 offered by Senator Brookins.

Senate Resolution 761 offered by Senator Brookins.

Senate Resolution 762 offered by Senator Severns.

Senate Resolution 763 offered by Senator Savickas and others.

Senate Resolution 764 offered by Senator Lechowicz.

Senate Resolutions 765 offered by Senator Watson.

Senate Resolutions 766 and 767 offered by Senator Mahar.

Senate Resolution 768 offered by Senator Zito.

Senate Resolutions 769 and 770 offered by Senator Thomas Dunn.

Senate Resolution 771 offered by Senator Brookins.

Senate Resolution 772 offered by Senator Karpiel.

Senate Resolution 773 offered by Senator Lechowicz.

Senate Resolution 774 offered by President Rock, all Democratic leaders, and Senator Jacobs.

Senate Resolution 775 with the same sponsorship.

Senate Resolution 776 offered by Senator Hall and all Members.

Senate Resolution 777 offered by Senator Savickas, Senator Davidson, and all Members.

Senate Resolution 778 offered by Senator Vadalabene and all Members.

Senate Resolutions 779 and 780 offered by Senator Vadalabene and all Members.

Senate Resolution 781 offered by Senator Brookins.

Senate Resolutions 782 and 783, 784 offered by Senator Brookins.

Pardon me. I'm sorry. Senate Resolutions 782 through 785 offered by Senator Rea.

Senate Resolution 786 offered by Senator Jerome J. Joyce.

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Senate Resolution 787 offered by Senator Jones.

Senate Resolutions 788, 789, 790, 791, 792, 793 offered by Senator Jones.

Senate Resolution 794 offered by Senator Zito.

Senate Resolution 795 offered by Senator J. E. Joyce.

Senate Resolution 796 offered by Senators Hawkinson and Luft.

Senate Resolution 797 offered by Senator Mahar.

Senate Resolutions 798 and 799 offered by Senator Dudycz.

Senate Resolutions 800, 801 offered by Senator Dudycz.

Senate Resolution 802 offered by Senator Rea.

Senate Resolution 803 offered by Senator Berman and all Members.

Senate Resolution 804 offered by Senator del Valle.

Senate Resolution 805 offered by Senators Friedland, Karpiel and Etheredge.

Senate Resolution 806 offered by Senator Rigney.

Senate Resolution 807 offered by Senator Mahar.

Senate Resolution 808 offered by Senator Kelly.

Senate Resolution 809 offered by Senator Lechowicz.

Senate Resolution 810 offered by Senator Keats.

Senate Resolution 811 and 812 offered by Senator Macdonald.

Senate Resolutions 813 through 827 offered by Senator Topinka.

Senate Resolution 828 offered by Senator Zito.

Senate Resolution 829 offered by Senator Raica.

Senate Resolution 830 offered by Senator Daley and all Members.

Senate Resolution 831 offered by Senator Ralph Dunn.

Senate Resolution 832 offered by Senator Ralph Dunn.

Senate Resolution 833 offered by Senator Ralph Dunn.

Senate Resolution 834 offered by Senator Lechowicz.

Senate Resolution 835 offered by Senators Fawell, Topinka, Philip, Hudson and others.

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Senate Resolution 836 offered by Senator Topinka and all Members.

Senate Resolution 837 offered by Senator Topinka and all Members.

Senate Resolution 838 offered by Senator Ralph Dunn.

Senate Resolution 839 offered by Senator Jones.

And Senate Resolution 848 offered by Senator Jones.

They're all congratulatory and death resolutions.

PRESIDENT ROCK:

Consent Calendar.

#### SECRETARY HAWKER:

Senate Resolution 840 offered by Senators Rea, Ralph Dunn, O'Daniel and others.

Senate Resolution 841 offered by Senator Collins.

Senate Resolution 842 offered by Senator Collins.

Senate Resolution 843 offered by Senator Rea.

Senate Resolution 844 offered by Senator J.E. Joyce.

Senate Resolution 845 offered by Senator Kelly.

Senate Resolution 846 offered by -- 846 offered by Senator Kelly.

Senate Resolution 847 offered by Senator Kelly.

They're all substantive.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea, for what purpose do you arise?

#### SENATOR REA:

Mr. President, I'd like leave to consider a Senate Resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea, what's the number?

#### SENATOR REA:

8-4-0.

#### PRESIDENT ROCK:

All right. Senator Rea has sought leave of the Body to

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suspend the rules to consider -- immediately consider, resolution - Senate Resolution 840. Is leave granted? Leave is granted. On the Order of Resolutions, Senator Rea.

#### SENATOR REA:

Thank you, Mr. President and Members of the Senate. As you know, coal is a major resource in the State of Illinois -- over fourteen thousand coal miners. And we have acid rain legislation that is pending in Congress. And this resolution would call for a cost-sharing, so that everyone would -- would share in the cost of the -- in a -- installing of various clean air devices for the use of Illinois or high-sulfur coal. And I -- this will be important to Illinois, in particular, and would ask for your adoption.

#### PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? If not, Senator Rea moved the adoption of Senate Resolution 8-4-0. Those in -- has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 840. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The rules Rea now moves the adoption of Senator Senate Resolution 8-4-0. Those in favor will indicate by saying Opposed, Nav. The Ayes have it. Resolution is adopted. The remainder of those resolutions that were read will go to the Executive Committee. Resolutions.

#### SECRETARY HAWKER:

Senate Joint Resolution Number 18 <sic> (118), Constitutional Amendment.

Senate Joint Resolution 119, Constitutional Amendment.

Senate Joint Resolution 120, pardon me - those two resolutions were offered by Kustra, Philip, Weaver, DeAngelis, Davidson, Schaffer and Geo-Karis.

Senate Joint Resolution 120 offered by President Rock and Senator Philip.

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Senate Joint Resolution 121 offered by Senator Madigan.

Senate Joint Resolution 122 offered by Senator Topinka.

They're all substantive.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Executive. (machine cutoff) Resolutions.

#### SECRETARY HAWKER:

Senate Joint Resolution 123 offered by Senator Daley.

Senate Joint Resolution 124 offered by Senator Daley.

Senate Joint Resolution 125 offered by Senators Hudson and Mahar.

Senate Joint Resolution 126 offered by Senator Macdonald.

Senate Joint Resolution 127 offered by Senator Macdonald and all Members.

Senate Joint Resolution 128 offered by Senator Topinka and all Members.

And Senate Joint Resolution 129 offered by Senator Daley and all Members.

They're both congratulatory and death.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. Introduction of Bills. Introduction of bills, Madam Secretary.

#### SECRETARY HAWKER:

Senate Bill 1511 offered by Senator Jacobs.

(Secretary reads title of bill)

Senate Bill 1512 offered by Senators Severns and Kelly.

(Secretary reads title of bill)

Senate Bill 1513 offered by Senator Rea.

(Secretary reads title of bill)

Senate Bill 1514 offered by Senator Brookins.

(Secretary reads title of bill)

Senate Bill 1515 offered by Senator Karpiel.

(Secretary reads title of bill)

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Senate Bill 1516 offered by Senator Hawkinson.

(Secretary reads title of bill)

Senate Bill 1517 offered by Senator del Valle.

(Secretary reads title of bill)

Senate Bill 1518 offered by Senator Collins.

(Secretary reads title of bill)

Senate Bill 1519 offered by Senator Collins.

(Secretary reads title of bill)

Senate Bill 1520 offered by Senator Collins.

(Secretary reads title of bill)

Senate Bill 1521 offered by Senator Collins.

(Secretary reads title of bill)

Senate Bill 1522 offered by Senators Berman and Topinka.

(Secretary reads title of bill)

Senate Bill 1523 offered by Senator Jones.

(Secretary reads title of bill)

Senate Bill 1524 offered by Senator Jones.

(Secretary reads title of bill)

Senate Bill 1525 offered by Senator Netsch.

(Secretary reads title of bill)

Senate Bill 1526 offered by Senator Smith.

(Secretary reads title of bill)

Senate Bill 1527 offered by Senators Smith and del Valle.

(Secretary reads title of bill)

Senate Bill 1528 offered by Senator Smith.

(Secretary reads title of bill)

Senate Bill 1529 offered by Senators Smith and del Valle.

(Secretary reads title of bill)

Senate Bill 1530 offered by Senators Smith and del Valle.

(Secretary reads title of bill)

Senate Bill 1531 offered by Senator Schaffer.

(Secretary reads title of bill)

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Senate Bill 1532 offered by Senator Jones.

(Secretary reads title of bill)

Senate Bill 1533 offered by Senator Jones and Smith.

(Secretary reads title of bill)

Senate Bill 1534 offered by Senator Jones.

(Secretary reads title of bill)

Senate Bill 1535 offered by President Rock and Senator Philip.

(Secretary reads title of bill)

Senate Bill 1536 offered by President Rock and Senator Philip.

(Secretary reads title of bill)

Senate Bill 1537 offered by President Rock and Senator Philip.

(Secretary reads title of bill)

Senate Bill 1538 offered by Senator J.E. Joyce.

(Secretary reads title of bill)

Senate Bill 1539 offered by Senator J.E. Joyce.

(Secretary reads title of bill)

Senate Bill 1540 offered by Senators del Valle, Smith and Hall.

(Secretary reads title of bill)

Senate Bill 1541 offered by Senators Geo-Karis and Jacobs.

(Secretary reads title of bill)

Senate Bill 1542 offered by Senator Fawell.

(Secretary reads title of bill)

Senate Bill 1543 offered by Senator Topinka.

(Secretary reads title of bill)

Senate Bill 1544 offered by Senator Topinka.

(Secretary reads title of bill)

Senate Bill 1545 offered by Senators Woodyard and O'Daniel.

(Secretary reads title of bill)

Senate Bill 1546 offered by Senators Woodyard and O'Daniel.

(Secretary reads title of bill)

Senate Bill 1547 offered by Senator Kelly.

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(Secretary reads title of bill)

Senate Bill 1548 offered by Senators Karpiel and Etheredge.

(Secretary reads title of bill)

Senate Bill 1549 offered by Senators Rigney and Watson.

(Secretary reads title of bill)

Senate Bill 1550 offered by Senator Keats.

(Secretary reads title of bill)

Senate Bill 1551 offered by Senator Watson.

(Secretary reads title of bill)

Senate Bill 1552 offered by Senator Fawell.

(Secretary reads title of bill)

Senate Bill 1553 offered by Senator Fawell.

(Secretary reads title of bill)

Senate Bill 1554 offered by Senator Fawell.

(Secretary reads title of bill)

Senate Bill 1555 offered by Senator Maitland.

(Secretary reads title of bill)

Senate Bill 1556 offered by Senator Maitland.

(Secretary reads title of bill)

Senate Bill 1557 offered by Senators Ralph Dunn, O'Daniel, Kenny Hall, Rigney and others.

(Secretary reads title of bill)

Senate Bill 1558 offered by Senator Schuneman.

(Secretary reads title of bill)

Senate Bill 1559 offered by Senators del Valle, Smith and Hall.

(Secretary reads title of bill)

Senate Bill 1560 offered by Senator Marovitz.

(Secretary reads title of bill)

Senate Bill 1561 offered by Senator Marovitz.

(Secretary reads title of bill)

Senate Bill 1562 offered by Senator Marovitz.

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(Secretary reads title of bill)

Senate Bill 1563 offered by Senator Madigan.

(Secretary reads title of bill)

Senate Bill 1564 offered by Senator Maitland.

(Secretary reads title of bill)

Senate Bill 1565 offered by Senator Lechowicz.

(Secretary reads title of bill)

Senate Bill 1566 offered by Senator Hawkinson.

(Secretary reads title of bill)

Senate Bill 1567 offered by Senator Maitland.

(Secretary reads title of bill)

Senate Bill 1568 offered by Senator Schuneman.

(Secretary reads title of bill)

Senate Bill 1569 offered by Senator Schuneman.

(Secretary reads title of bill)

Senate Bill 1570 offered by Senators Jacobs and Madigan.

(Secretary reads title of bill)

Senate Bill 1571 offered by Senators Jacobs and Madigan.

(Secretary reads title of bill)

Senate Bill 1572 offered by Senator Schaffer.

(Secretary reads title of bill)

Senate Bill 1573 offered by Senator Brookins.

(Secretary reads title of bill)

Senate Bill 1574 offered by Senator Barkhausen.

(Secretary reads title of bill)

Senate Bill 1575 offered by Senator Barkhausen.

(Secretary reads title of bill)

Senate Bill 1576 offered by Senator Barkhausen.

(Secretary reads title of bill)

Senate Bill 1577 offered by Senators Fawell and Philip.

(Secretary reads title of bill)

Senate Bill 1578 offered by Senators Davidson and Demuzio.

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(Secretary reads title of bill)

Senate Bill 1579 offered by Senators Karpiel and D'Arco.

(Secretary reads title of bill)

First Reading of the bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Rules Committee. All right. Ladies and Gentlemen, on --Supplemental Calendar No. 1 has been passed out. It should be on your desks. Supplemental Calendar No. 1 is Conference Committee Reports. House Bill 595. Madam Secretary.

#### SECRETARY HAWKER:

First Conference Committee Report on House Bill 595.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

#### SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would like to give my time to Senator Rock on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

#### SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 595, the First Conference Committee Report, has stripped everything that was previously in the bill, and now is a single item appropriation — the sum of one hundred thousand dollars, or so much thereof as may be necessary, appropriated to meet the ordinary and contingent expenses of the joint committee, which is that committee composed of the four leaders. The purpose for this appropriation is to implement the Phase Two Census Bureau Agreement that we have made. As I'm sure your well aware, the four leaders have agreed to work with the Census Bureau in what they call Phase Two, which is the furthered subdelineation of the census tract maps to reflect the existing political precinct lines across the State. And for that purpose, we intend to hire some

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people to help. And that's the purpose of this appropriation. I know of no objection. I would solicit an Aye vote for the First Conference Committee Report on House Bill 595.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on Those in favor will vote Aye. Those opposed, House Bill 595. Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? All right. voted who wish? Take the record. On that question, the Ayes 52, the Nays are none, none voting Present. The Senate does adopt First Conference Committee Report on House Bill 595, and the bill, having received the required constitutional majority, declared passed. 1287. Senator Kelly. Senator -- I beg your pardon. Senator Luft. You've filed a motion with respect to this bill? All right. House Bill 1287, Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 1287.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

#### SENATOR LUFT:

Thank you, Mr. President. Let me begin by thanking Senator Marovitz for the use of this vehicle. This Conference Committee Report reflects only a situation to our knowledge in the city of Peoria. And it took place many years ago, when the then Pleasure Drive and Park District in Peoria was merged with the City Recreation Department. At that time, the rate for the tax levy was .0365, and the rate that has been used is .09, which is the rate that is allowable under the Park District. There's been an objection filed because of the rate believed to have been, and should be, .035. What we do with this Conference Committee Report is simply allow the rate that has been used for the last ten to

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fifteen years, .09, to be codified. And I'd try to answer any questions, or appreciate your support.

#### PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall the Senate adopt the First -- Second Conference Committee Report on House Bill 1287. Those in favor will vote Opposed, vote Nay. And the voting is open. Have all voted Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that there are 49 Ayes, 2 Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 1287. And the bill, having received the required constitutional majority, declared passed. All right. Ladies and Gentlemen, if I can turn your attention to Supplemental Calendar No. 2. Supplemental Calendar No. 2. (machine cutoff) All right. Take it out of the record, Madam Secretary. Senator Marovitz. We are at that order. All right. Supplemental Calendar No. 1, Ladies and Gentlemen, on the Order of Specific Recommendations for Change, there is a Motion in Writing that has been filed with the Secretary with respect to House Bill 1487. Madam Secretary.

#### SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1487 in manner and form as follows:

Amendment to House Bill 1487

in acceptance of Governor's Recommendations.

Filed by Senator Marovitz.

#### PRESIDENT ROCK:

Senator Marovitz.

#### SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate.

I move to accept the Governor's amendatory changes, and for a favorable roll call on House Bill 1487 - the Statewide Grand Jury

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bill. said when we considered this bill originally, and I repeat now, that the war on drugs is much too important to get bogged down in some political rhetoric. Now I believe it's too important to -- to defeat, for reasons of a technical nature, even though those reasons are very substantial. This bill, in my opinion, will strongly assist state's attorneys and other law enforcement officials in getting at the core of the legal drug activity. That is the enormous profits reaped by drug dealers and drug kingpins. Now I don't want to stand up here and tell anybody that this bill is a panacea - that it's the be all, end all. going to solve all the problems. It's not. This bill alone is not going to solve the drug problems, and nobody is But I think it will make a dent. I think it will make a large dent. It's going to help. It'll add another tool law enforcement officials in their investigation to use. Ιt will allow that tool by the use of use immunity. It'll allow that tool by the use of additional eavesdropping capabilities, will prevent stonewalling of the investigation by witnesses who have information, but who heretofore have not supplied that because of immunity. But I must be honest, and I must be consistent, and before I do that, I want to just run over briefly the amendatory changes. The amendatory veto changes the language which allows the AG to apply to the Chief Justice of Supreme Court to begin a Statewide Grand Jury. It specifies how the AG must allege the elements to apply. It states that the Statewide Grand Jury should be able to investigate and indict any felony offense discovered in its investigation as part of the drug investigation. Defines property subject to forfeiture the Narcotics Profit Forfeiture Act. It allows substitution for property which may be legally obtained if they cannot illegal fruits of the drug deal. It changes from transactional immunity to use immunity. It changes circumstances allowing the

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nonconsensual eavesdropping. I think I have to be honest with this Body, and although I am strongly in favor of this motion -making this motion because of the import of this bill, and the import of the drug issue in our society, but I have to be honest and consistent with my colleagues. As Chairman of the Senate Judiciary Committee and as chief sponsor of this bill, expressed, and continued to have, serious reservations about certain provisions in the bill, and question the constitutionality of some of those provisions. This veto message -- this amendatory veto message is more that just tinkering with the bill. major legislative overhaul of a bill that went through the committee process and saw substantial debate in both Houses of the Legislature. Ladies and Gentlemen, I call your attention to Page 8 of the Amendatory Veto Message, and I will quote for the record. I am quoting the Governor of the State of Illinois, "While I believe that use immunity should be the law of the State in all criminal investigations, it is beyond my amendatory veto power Now, Ladies and Gentlemen, I want to call your attention to Page 13 and 14 of the actual changes, and if you take a look at that, you will see that by the language that has been stricken by the Governor, in fact, he changes, in all cases in the State of Illinois, "transactional immunity" to "use immunity," in fact, doing what he says on Page 8, quote, "it is beyond amendatory veto power to accomplish." He also, in regarding eavesdropping -- and I think we ought to clarify for my colleagues the difference between eavesdropping and wiretapping, so that when everyone votes, they know what they are voting on. Wiretapping is nonconsensual in nature. Eavesdropping is an overhearing with consent by one party. The Governor's changes allow, for the first in the history of the State of Illinois, there to be an overhearing of a conversation without judicial oversight. I to repeat that. The Governor's changes allow, for the first time,

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overhearing of conversations without any judicial oversight. also removed the sunset provision that was requested by in this Body so that we could see how this bill worked, and it would not be done for political purposes. And the other change that I'd like to "hone in on" is the change which allows the substitution of legally obtained property for the illegal fruits and profits of drug dealing if those illegal fruits and profits cannot be found. Yes, I have great reservations with the Governor's power to have overstepped his bounds, and acted as a legislator in making major changes that did not go through the committee process. bills with a lot less changes than this ruled in noncompliance, in my opinion this bill should be in noncompliance with our I think the courts will make that ultimate determination, but we are here to decide what the priorities of drug dealing and drug trafficking is -- are, and in my opinion - and that reason I am making this motion - the overriding concern in this State and this nation is drugs, and if anybody doesn't believe believe you will hear from your constituents if you vote No on this motion, because it is very tough to explain to somebody how you voted No on a bill to get tough on drug dealers and get at the profits of drug trafficking, when you voted No on this bill. want my colleagues to know that a bill has been drafted and is being introduced to correct what I think is the greatest concern this bill, and that is the judicial oversight taken away from all eavesdropping cases involved in this bill. bill drafted so that once again you will need judicial permission before eavesdropping, under these cases, is allowed. hill has been drafted and will be introduced, and with your permission, with your vote, will be passed by July 1st. This bill does not go into effect until January 1, 1991. So if we correct great oversight, i.e., not allowing judicial oversight over eavesdropping cases under this bill, that will take effect - can

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take effect by July 1st, a full six months before this bill ever takes effect. So I think we will have corrected the greatest concern of this bill, and I solicit your Aye vote, and am willing to answer your questions.

#### PRESIDENT ROCK:

All right. Discussion? Senator Lechowicz.

#### SENATOR LECHOWICZ:

Very briefly, Mr. President, Ladies and Gentlemen of Senator Marovitz pointed out the Governor's amendatory veto, and he read from Page 8, but he didn't really complete entire paragraph. And I think, in all fairness, it should be put in the record as well, that the Governor further stated, "However, under a bill that of necessity allows parallel investigations to proceed, sometimes without knowledge of each other's existence, use immunity is an essential tool for avoiding immunization errors which could have the effect of making hard-won evidence useless. The purpose of this bill is to make it easier to prosecute criminals, not to create loopholes which would allow them to evade justice." I think that's a very important item that was missed. I had the opportunity of attending a Omni affair at the Ambassador West over the weekend, and a number of individuals in the private sector, in conjunction with Father Clements, and the theme was "In Unison, Chicago Against Drugs." This bill, even as amended, is an additional tool creating a Statewide Grand Jury to go after profits of drug dealing. I don't believe there is anybody -anybody in this State or in this nation who wouldn't be in support of this type of legislation. One of the most heinous items a family can be exposed to is drugs and how it relates to the respective family individuals. One of the criminal elements - as the criminal justice system in Cook County - fifty-five percent of it is drug-related. Take a look at the report that went across our desks the other day, where we have

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twenty-three thousand inmates presently in our correctional system in the State, and even with new facilities coming on line, the projection for 1991 is over twenty-seven thousand inmates above and beyond the capacity of the existing criminal justice system of the State. This is an important tool. It has my full support. I would hope that this entire Body would join in unison in making sure that drug dealing and its profits is thoroughly investigated, at every level, as quickly as possible. Thank you, Mr. President. PRESIDENT ROCK:

Further discussion? Senator Jacobs.

#### SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I guess I have a little bit of a problem. Whenever I came down, I made a commitment. I don't like to back down from my commitments, but that was yesterday, and then I find out a little bit today -little bit more about what this bill can do. And I hear the discussion about this is a tough-on-drugs piece of legislation, and I get a little bit concerned with that. I guess we could go back to the late '30s and the early '40s in Germany and probably use Hitler's line "burning of the books." Had an ulterior motive, it was a good thing, too. And not to make a -- maybe such a poor analogy, but I have a definite problem in -- in eavesdropping on innocent people's conversations. Now we can say that's not the intent of the legislation, and I don't believe that is the intent of the legislation, but that can happen, and I think anyone in this Body knows that I am not a bleeding, blooming liberal. Ιn fact, I consider myself to be fairly conservative, but I think, at the same time, I agree with Senator Marovitz's position, and I am not sure how I am going to vote on this yet, but I just want to say that I am sure that I agree with Senator Marovitz's position. If I had a guarantee, Billy, that we could get the new bill containing the judicial oversight language, and we had a guarantee

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from this entire Body, this entire Legislature, and the approval that the Governor would sign it, I'd be on board this in a minute, but I am little bit concerned, and I don't know if we have those guarantees, and I guess rather than to make a speech, I'll end up by saying do you have an answer to that question?

PRESIDENT ROCK:

Is there further discussion? Further discussion? Further discussion? Senator Philip.

#### SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. And I certainly ought -- we all ought to be concerned about this bill. As you remember in the normal Session, I put an amendment on it to sunset it after two years, because it was controversial. It'd certainly give the Attorney General more power than he's ever We've had -- I can remember way, way back when I was in the had. House, when Bill Scott had this same bill. The Governor, in his decided to take out the sunset provision. I don't know what he was trying to do. I guess I can guess. And there are two other provisions I think that you ought to think about. them is the Statewide Grand Jury. In my judgment today, the Attorney General of the State of Illinois can come in any hundred and two counties in the State of Illinois and ask the local state's attorney to convene a grand jury. And I will tell you one thing - there isn't a hundred and two of those elected state's attorneys that would say no to the Attorney General. Now he has been there for seven-and-a-half years, and he hasn't asked any of the hundred and two counties' state's attorneys to convene a grand jury - period. Secondly, wiretap. That ought to scare the hell out of everybody in this Chamber. I understand under the law today, that the Attorney General can come into the chief judge of a circuit court, and ask that chief judge for a wiretap. under proper circumstances, that chief judge can issue permission

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for a wiretap. So he can already do it right now. He has been able to do it for seven-and-a-half years. To my knowledge, he hasn't ask for one wiretap in this State. But I'll tell you one thing. I -- I say I have mixed emotions - if there is anybody for law and order around here, check my record - but I'll tell you one thing - I wanted a sunset. It was in the bill. We agreed to that in the House and the Senate, and for some reason, the Governor decided to cut that out. I think you ought to think twice before we do this to ourselves.

#### PRESIDENT ROCK:

Further discussion? Further discussion? Senator Jones. SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Will the sponsor yield?

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Jones.

#### SENATOR JONES:

Senator Marovitz, you touched on it lightly, but is it contained in the Governor's amendatory veto - unlimited wiretapping? Can you explain what that actually means?

PRESIDENT ROCK:

Senator Marovitz.

#### SENATOR MAROVITZ:

In essence -- in essence, the wiretap provisions have not been changed. Okay? I think we are all getting confused between the terms wiretap and eavesdropping, and they are different. They are not the same. In essence, there hasn't been a change in the wiretap provisions. Okay? Basically, we passed a bill -- well. Okay. Let me -- let me get to the eavesdropping, which is the change - which is -- okay, the change is not in the wiretap. Regarding eavesdropping - for the crimes stated within this bill, drug trafficking and money laundering, you can have an

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eavesdropping - an overhearing - with the consent of one party, and the law enforcement officials can do that now, under bill, without getting a court order to do that. Without going to court first to get approval to get a warrant to do that, they now, for the first time, with the consent of one party - with the -working in conjunction with the law enforcement agencies - can do an overhearing of that other nonconsensual party. eavesdropping, and that's limited just to drug trafficking and laundering. So we're not -- we're not opening eavesdropping. We are not touching wiretapping, and we are not opening up eavesdropping to all crimes. We're only doing it those crimes enumerated in this bill, i.e., drug trafficking and money laundering. And I might add that I have said the bill I do not believe that any eavesdropping should be allowed without judicial oversight. The bill is going in, will be introduced under my sponsorship - I'm happy to have you as a co-sponsor - so that we will need judicial oversight even in those cases which is the law today. And I think if I get a sense of the Body, that we can pass that by July 1st -- long before this bill goes into effect.

#### PRESIDENT ROCK:

Senator Jones.

#### SENATOR JONES:

Well, for the concern I have, I recall the issue was up before on the eavesdropping, but I do have grave concerns about that, because from your testimony, an innocent party, not knowing that someone else is involved in money laundering — that conversation will be eavesdropped on, and then perhaps out of that evidence, charges — or some unrelated charges can be brought against that person. Am I correct?

#### PRESIDENT ROCK:

Senator Marovitz.

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SENATOR MAROVITZ:

Would you repeat the question?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

I have some person may be talking to their banker or their lawyer on some other business, and not even knowing that this other person is involved in money laundering, for example, and... Which person? The innocent person - the person that has not consented to the eavesdropping. And so therefore that conversation and business will be come into play in the event that you have -- I trust most of our law enforcement people are -- are -- are honorable, but then too, innocent persons can get entrapped in this. Am I correct?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Under the example that you are giving, you are telling me that the money launderer is the one that is giving consent for the eavesdropping. That's your example, the money launderer. The person who is doing the drug trafficking or the money launderer is the one giving consent for the eavesdropping. It sounds like an example that would likely work the other way, but not that way. PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Well, now I do have grave concerns about this portion, and let me say this for the record, as far as the Members of this Body, and my concern on -- on drugs. You know, I personally believe that persons convicted of trafficking and selling of drugs that they should receive the death penalty. That's my personal view, and I have sponsored and passed the drug-induced homicide

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legislation. However, I don't think that we should -- personally, do not believe that we should trample on the rights of innocent citizens when you come to eavesdropping. I have grave concerns about that, and even though you indicated that you would sponsor legislation, but in my opinion, the Governor of this State has gone too far. He has began to legislate, and I thought that was left to the Members of the General Assembly. And so I have mixed emotions about this. I don't know what I am going to do on this legislation, but I don't like the idea of innocent persons being eavesdropped on, as it was contained in this bill.

#### PRESIDENT ROCK:

Further discussion? Senator Welch.

#### SENATOR WELCH:

Thank you, Mr. President. Ladies and Gentlemen, many of speakers have said that this is a very tough bill. Well, it's meant to be a tough bill, because fighting crime is a tough thing to do, and those people who are dealing with drugs are tough. someone has to get tough with them, and it's about time we did in the State of Illinois. It's unfortunate that this bill has become somewhat of a political football. Senator Philip has said that the Governor vetoed the bill amendatorily - he thought he know why the Governor had vetoed it. I think we on this side knew why he vetoed it, as well, but I think it's important that we not lose the chance to pass this legislation, in spite of the Governor's act. Certainly if it is a lost cause, it will be the Governor who has made it a lost cause. The previous bill had passed and it was sitting on his desk. He could have signed it, and we'd fighting drugs today with a Statewide Grand Jury. But he chose not to do so. But who really loses if this bill loses? It's going to be Governor Thompson. It's not going to be Neil Hartigan. It'll probably be a generation of youth who might able to grow up drug-free if we could go out there and fight the

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drug abusers, the drug kingpins. So I would urge an Aye vote on this bill.

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Davidson.

SENATOR DAVIDSON:

Senator Marovitz, in your explanation of eavesdropping about one party does it with his knowledge, and the other party doesn't. Would -- to this non-lawyer, would that be example what Bruce Earl did when he taped the conversation on Deon Thomas?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That would be a clear example of eavesdropping.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Well, I think Senator Jones talked about innocent parties being victim of circumstances and no knowledge. I think the question I just asked, and you answered positive that's eavesdropping -- should be enough for everybody to be really concerned about this bill, and what it could do to innocent people.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DEANGELIS:

Thank you, Mr. President. Question of the sponsor.

PRESIDENT ROCK:

Sponsor -- Mr. Sponsor? Indicates he will yield.

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SENATOR DeANGELIS:

Senator Marovitz, do you like this bill?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR DeANGELIS:

Do you like this bill, as ...

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

I have reservations with the bill as amended.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Are there many or any parts of this bill that you violently opposed previously?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

I am not a violent man.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Did you passionately oppose it?

PRESIDENT ROCK:

Further discussion? I am sorry. Senator DeAngelis. Senator DeAngelis.

SENATOR DEANGELIS:

I didn't hear his answer.

SENATOR MAROVITZ:

There are some things you can't deny.

PRESIDENT ROCK:

Senator DeAngelis.

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#### SENATOR DeANGELIS:

Well, if -- if I hear this correctly, you're asking us to vote Yes on a bill that you basically don't like. I asked you -- I asked you if you liked it -- with reservation. What does that That means you don't like it. Now -- so you want us to vote for this bill that you have some strong reservations and then you are going to come back in the spring to fix it. But, in the meantime, if you don't get a chance to fix it, you have put in place a mechanism by which the bill can be nullified, 'cause you have stated publicly that the Governor exceeded his amendatory veto powers in doing this. Now, if this bill is not should be, and if in fact, it might not even become law, because of what you said already, and if you think this is so important and we all do - and you have to wait for the spring to make it work anyhow, why don't we just wait till the spring, and I'll be happy to be your co-sponsor on a bill that will take of what you perceive to be your reservations, and perhaps you can take care of my reservations, and we will not have the threat of the bill being nullified because of what you have spoken. So why don't we do it that way?

END OF TAPE

TAPE 2

#### PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

#### SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I listened very carefully to Senator Marovitz's discussion on this bill, and there is no doubt in my mind that he doesn't like the bill, when

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he has such reservations. I have reservations, too. I fight drugs all the time in my own community. But I can tell you right now, the bill that we voted for did not contain that eavesdropping business, and I worry about how it'd be effective, and how it would be used on innocent people. And since Senator Marovitz graciously said he has a bill that he is drafting now which will take care of some of our reservations, I certainly will be willing to wait for your bill, and Billy, let's work on something that's constructive and fair and will do the job the way it should do it, instead of making it a political football. Therefore, I cannot support this one now.

#### PRESIDENT ROCK:

Further discussion? Senator Brookins.

#### SENATOR BROOKINS:

Thank you, Mr. President. Will the sponsor yield for a question?

#### PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Brookins.

#### SENATOR BROOKINS:

Senator Marovitz, I need you to clear up the eavesdropping situation here. Are you saying that the wiretap which is being used - eavesdrop and wiretap - is the wiretapping legislation still in effect, and in order to institute the eavesdropping portion of this bill, they would have to go to court and get permission from the judges to wiretap in order to institute the eavesdropping?

#### PRESIDENT ROCK:

Senator Marovitz.

#### SENATOR MAROVITZ:

I think it's very important that we clear this up, so that nobody has any misunderstandings, before we actually vote. We cannot use the words "wiretapping" and "eavesdropping"

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interchangeably. This bill really does nothing in terms of wiretapping. We have already passed legislation two years ago, when Richard Daley was the State's Attorney of Cook County, which allows nonconsensual wiretapping in drug cases. So that's the law today. That is the law in Illinois today. If anything, this adds drug trafficking to that law. Okay? But it really doesn't make much change in terms of wiretapping, other than acting -- add drug It makes a change regarding eavesdropping. change is a federal law now. That change has been tested constitutionally and found constitutional. It is used in many is used across the country by states, and it the Federal Government and the federal courts. So that's the law of the United States, and it says that in these cases of drug trafficking and money laundering only, where you have one party's consent to try and get at the drug trafficker or get at the money launderer. and you have the cooperation of a law enforcement official, then you don't have to go to court to get a court order. what I am -- that is the federal law. What I am saying is that the bill that's going to be introduced by me will say that even in those limited cases - those limited eavesdropping cases you will still need judicial oversight.

#### PRESIDENT ROCK:

Senator Brookins.

#### SENATOR BROOKINS:

Thank you, Mr. President. To the bill. I think Т aш co-sponsor of this bill, and had reservations because it stated in discussion when we passed the bill, though, that the...the rights -- the civil rights of minorities are being tread upon throughout the United States, and we just recently had enforcement of laws wiretapping and sting operations and everything concerning subjects such as this. And we look at the jails, even here in Illinois, where it's loaded with minorities. Minorities

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the only ones seem to be creating -- committing any crimes, and we seem to be the only one that are dealing in drugs. at the TV, and the only people we see arrested on the TVs and et cetera on the six o'clock news is minorities, specifically blacks, then comes Hispanics, but specifically blacks, and we build four or five new jails or three new jails just to contain these these desperate people. So it's very, very hard for minorities to vote on this, to give these type prosecutors who are going to seem to target minority groups. Here we go now with eavesdrop, that they are going to just listen in on any conversation - anybody's conversation - and then enforce the law, and say that we are going to do it in the name of enforcement laws. Now my community has been devastated and is being devastated by drugs, and I am sensitive to that. And I have passed and voted on more drug bills than, I would say, almost legislator in here, and will continue to do so, but we are going to also have to invest in changing the psychological effect thinking of these people, through educational laws. going to go hand-in-hand. Just for us to pass legislation enforcement will not work alone. This is -- this is a terrible, terrible bill. I don't know where I am on this bill as I talk but it is very, very awful, and in a couple of minutes I'll be making up my mind what to do. This is terrible, Brother This is a terrible bill. And what we need to do is Marovitz. bypass committee, and bring something right back to the Floor.

#### PRESIDENT ROCK:

Further discussion? Senator Alexander.

#### SENATOR ALEXANDER:

Thank you, Mr. President. I am merely making this statement for the record. That I am totally - and have been always - supportive of any laws dealing with enforcement around drug trafficking. However, I cannot support any legislation that just

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might trample upon the rights of innocent citizenry of the State of Illinois. I will support any other piece of legislation dealing on that subject that does not blatantly trample upon those rights.

#### PRESIDENT ROCK:

Further discussion? Senator Hawkinson.

#### SENATOR HAWKINSON:

Thank you, Mr. President. I think Senator DeAngelis hit the nail on the head here. The defense attorneys must be rubbing their hands with glee to have seen the passages that the Governor in the bill that it was beyond his power to do something, and then the fact that he did it anyway. And then the chief sponsor's admission that this bill is beyond the power of the Governor. The first time you indict somebody under this, any defense attorney worth his salt is going to go in and point out the record in this case, and is going to nullify the law. Why don't you take it out the record, clean up the provisions, put the sunset back in. You have done some good things with this bill. There is some good provisions in it in the war against drugs, but let's make it an enforceable bill, and something that everybody -- every law enforcement officer in this State can live with, and let's this spring and do it right.

#### PRESIDENT ROCK:

Is there further discussion? Further discussion? Senator Marovitz, to close.

#### SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Well, despite the fact that I have been here for fifteen years, and may be getting a little gray, I am not Judge Marovitz, and I can't tell you what the courts of the State of Illinois are going to determine are constitutional and is not constitutional. I've stood up here many times and told many of you that a lot of the

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right-to-life bills that we passed in this Body were unconstitutional. Nobody listened to me then. Many of them were found unconstitutional, but I don't remember anybody refusing to vote or refraining from voting because of the constitutionality problem. I hear some of mγ colleagues talking about and saying, "Well, this would allow any conversation to be eavesdropped." That's not what this bill does. Now I have explained it in the record at least six times. That is not what this bill does. It doesn't allow any conversation to be eavesdropped at all. It doesn't change what can be eavesdropped. It doesn't change that at all, and I don't want anybody voting No believing, or using as an excuse, that this changes someone's ability to eavesdrop on innocent individuals, be they minorities not minorities. or This bill is aimed at getting at drug traffickers. The consensual individual who is giving permission a conversation to be overheard will be with a law enforcement official to overhear a drug trafficker so we can get at that trafficker or that money launderer. Senator DeAngelis asks "Why yes? Why do we do this? Why do you want to go ahead with this bill if you have reservations?" Yes, I have reservations, but our here in the General Assembly is to weigh and balance things, and in my opinion, the public good in getting at drug dealers and drug traffickers now, far overrides the problems that may be in this bill. And since this bill does not take effect until January 1 of 1991, we can take care of those problems. No, there are no quarantees. Death and taxes are the only guarantees in this country, but there are fifty-nine people in this Body, and if have some objections - if Senator Philip wants the -- wants the sunset provision back in, and I agree with you, we'll put it If we want judicial oversight for eavesdropping in these limited cases, and I agree, I have the bill to do that. And will pass by July 1st, a full six months before this bill ever

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becomes effective. So any problems that we have can be rectified long before this bill ever becomes effective. The time is now to pass this bill and to make a statement. The Governor could have signed this bill as we passed it overwhelmingly. The Governor could have signed that bill, and if he had reservations, his own bill -- put in his own bill that could have been effective July 1st. But he chose not to do that, jeopardizing the passage of this very important piece of legislation, and if doesn't pass, it's because the Governor didn't sign it. mistake about it. The bill was there to pass. The effort was to use. We made a statement in this Senate. -- all he had to do was sign the bill. He chose not to do it. Τf it goes down, shame on him. I think the Governor used his amendatory pen to excess. That's my opinion. I think he legislated. That's my opinion. I think that the courts may find unconstitutional. That's my opinion. They don't need a case to do that. Somebody can take that case up to the immediately. That's my opinion. But the fact is I also think, in my opinion, that this issue of drug dealing, drug trafficking, is the most important issue on people's minds today. Number one, and I repeat, if you vote No, I think you'll find out where desires and the concerns of your constituency are. I solicit that you vote Yes on this bill. I think it's a very important piece of legislation, and together - if you have concerns - we'll pass those concerns by July 1st, a full six months before this bill This is the time to make a statement against becomes effective. drug dealing in the State of Illinois. Thank you very much.

#### PRESIDENT ROCK:

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1487 in the manner and form just stated by Senator Marovitz. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 18 Ayes, 20 Nays, 10 voting Present, and the motion fails. Senator Marovitz, you wish further consideration postponed? Senator Marovitz wishes further consideration postponed, Madam Secretary. Resolutions. A11 right. Ladies and Gentlemen, if I can have your attention, remains before us is the Resolutions Consent Calendar. Senator Madigan has a motion with respect to a resolution that currently residing in Executive Committee, and then Resolutions Consent Calendar, and then the Adjournment Resolution. Senator Madigan, for your motion, please.

#### SENATOR MADIGAN:

Thank you, Mr. President. With the consent of the Chairman and Minority Spokesman of the Executive Committee, I would miss - move to discharge that committee from further consideration of Senate Joint Resolution 121, and ask for its immediate adoption. It merely changes the recording date from March the 1st to December 31st of 1990.

#### PRESIDENT ROCK:

All right. Senator Madigan has moved to discharge the Committee on Executive from further consideration of Senate Resolution 121 -- Senate Resolution 121 for the -- Senate Joint Resolution 121 -- and asks for its immediate consideration and adoption. All in favor of the Motion to Discharge, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Senator Madigan now moves the adoption of Senate Joint Resolution 121. Any discussion? Senator Joyce indicates his approbation. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Resolutions.

#### SECRETARY HAWKER:

Senate Resolution 849 offered by Senators Davidson, Philip,

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President Rock, and all Members.

Senate Resolution 850 offered by Senators Schaffer, Philip, President Rock, and all Members. They're both death resolutions. PRESIDENT ROCK:

Consent Calendar. With leave of the Body, we'll add those to this Consent Calendar. Introduction of Bills.

#### SECRETARY HAWKER:

Senate Bill 1580 offered by Senators Donahue and O'Daniel.

(Secretary reads title of bill)

1st Reading of the bill.

#### PRESIDENT ROCK:

Rules Committee. Message from the Governor.

#### SECRETARY HAWKER:

A Message from the Governor by Steven F. Selke, Director of Legislative Affairs.

Mr. President - the Governor directs me to lay before the Senate the following message: State of Illinois Executive Department. To the Honorable Members of the Senate, Eighty-sixth General Assembly. I have nominated and appointed the following named persons to the offices enumerated below, and respectively ask concurrence in and confirmation of these appointments of your Honorable Body.

A Message from the Comptroller by Michael F. Daniels, Legislative Liaison. To the Honorable Members of the Senate, Eighty-sixth General Assembly. I have nominated and appointed the following named person to the office enumerated below, and respectively ask concurrence in and confirmation of this appointment by your Honorable Body. Filed by Roland W. Burris, Comptroller.

#### PRESIDENT ROCK:

Committee on Executive Appointments. Senator Demuzio, do you have a copy of House Joint 98? Thank you. Resolutions, Madam

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Secretary. Messages from the House -- I'm sorry.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I'm instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 98.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President.

PRESIDENT ROCK:

Well, why don't we - we'll let the Secretary read it in.

Ladies and Gentlemen, if I can have your attention, this is the

Adjournment Resolution. Madam Secretary.

SECRETARY HAWKER:

(Secretary reads HJR98)

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Joint Resolution 98 is the Adjournment Resolution. When we adjourn here in a few minutes, it would call for us to come back on Tuesday, April the 3rd at the hour of twelve o'clock -- hour of noon. I would move to suspend the rules for the immediate consideration and adoption of House Joint Resolution 98.

PRESIDENT ROCK:

All right. Senator Demuzio has moved to suspend the rules for the immediate consideration and adoption of House Joint Resolution 98. It calls for us to return to Springfield on Tuesday, April the 3rd, at twelve o'clock noon. All in favor, indicate by saying

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All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption of House Joint Resolution Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. All right. The Resolutions Consent Calendar has been distributed. Madam Secretary, I am told no objections having been filed, and with leave of the Body, we added Senate Resolution 828 through 840 plus 848, Senate Joint Resolutions 120 and 123 through 129, Senate Resolution 849 and 850. If there's no objection, no discussion, Senator Demuzio moves the adoption of the Resolutions Consent Calendar. Any discussion? If not, all in favor, indicate by All opposed. The Ayes have it. Those resolutions are declared adopted. Ladies and Gentlemen, it -- it appears that we have concluded our business, and is there any further business to come before the Body? Any announcements? Senator Philip, we are - if there is nothing further, Senator Vadalabene moves that pursuant to House Joint Resolution 98, the Senate stand adjourned until April the 3rd - Tuesday, April the 3rd -- Tuesday Wednesday -- Tuesday -- Tuesday, April the 3rd, at the hour of noon. Don't forget the White Sox open on the 2nd and the Cubs open on the 6th, so we'll be here on the 3rd. The hour of noon. Senate stands adjourned.

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